

REMARKS

Reconsideration of this application is respectfully requested. Claims 8 and 9 have been amended to delete reference to resolution by biotechnological means. Claims 8, 9, 14 and 15 are pending.

The Examiner has required restriction in this application among the claims of:

Group I, claims 8 and 9, drawn to a process for preparing a compound by chemical means with an optionally active tartaric acid;

Group II, claims 8 and 9, drawn to a process for preparing a compound by biotechnological means with a hydrolase in the presence of an acylating agent; and

Group III, claims 14 and 15, drawn to two compounds.

Applicants respectfully traverse this restriction and request reconsideration. In particular, applicants respectfully request that the claims of Group III (claims 14 and 15) be rejoined with the claims of Group I. The optically active hydrogentartrates recited in claims 14 and 15 are formed as intermediates when the racemic aminoalcohol of formula I is reacted with the appropriate optically active tartaric acid. *See* page 10, line 9, to page 11, line 30, and Examples 3.2 and 3.3 (pages 35-38) in the specification. A search for the prior art pertinent to the process for preparing the optically active aminoalcohols recited in claim 1 would also produce the pertinent prior art to the compounds recited in claims 14 and 15. Therefore, rejoining these groups of claims would not be a serious burden on the Examiner. Accordingly, applicants request rejoinder of the claims of Groups I and III.

In order to be fully responsive, applicants provisionally elect the claims of Group I (claims 8 and 9) for further prosecution in this application.

In view of the above amendment and remarks, applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By 

Jay P. Lessler

Registration No.: 41,151

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant